



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 5559-99  
9 February 2000

MR [REDACTED]

Dear Mr. [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 13 May 1952 and after serving on active duty for 3 years, 11 months and 26 days, you were released from active duty to complete the remainder of your military obligation. You did not earn any additional qualifying years for retirement and were honorably discharged on 12 May 1960.

You reenlisted in the Naval Reserve on 12 September 1974 after a break in service of over 14 years. During the next 14 years you had two short breaks in service, but have been credited with 13 years and 8 months of qualifying service for reserve retirement. As indicated in the enclosed statement of service, you were credited with 17 years, 7 months and 26 days of qualifying service on 7 November 1988 at the end of your anniversary year.

The record shows that you transferred to the Individual Ready Reserve (IRR) on 31 December 1989. Although you were still a member of the Naval Reserve, the statement of service shows no further qualifying years for retirement. There are no discharge entries in the record, however, your enlistment as extended would have expired on 7 December 1993. The Board assumed that you were honorably discharged on that date. You became 60 years old on

7 January 1994.

The Board was aware that in order to qualify for reserve retirement at age 60 an individual must accumulate 20 years of qualifying service. A qualifying year is one in which an individual earns 50 retirement points. The Board noted that during the period from 31 December 1989 until your discharge on 7 December 1993, you could have earned the additional qualifying service you needed for retirement and you have not provided any explanation for your failure to do so. In addition, the Board believed that you knew or should have known that you had not qualified for retirement when you transferred to the IRR on 31 December 1989. Accordingly, the Board concluded that a correction to your record to establish eligibility for reserve retirement was not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you have evidence of retirement points that are not entered on the statement of service, you should submit that evidence to the Naval Reserve Personnel Center for evaluation.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure